

# BOARD OF COUNTY COMMISSIONERS

## AGENDA ITEM SUMMARY

Meeting Date: April 21, 2004

Division: Growth Management

Bulk Item: Yes X No     

Department: Planning and Environmental Resources

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### AGENDA ITEM WORDING:

A resolution to concur with the sale of surplus Florida Department of Transportation right-of-way adjacent to U.S. 1 at approximately MM 27.1, Bayside, Ramrod Key (adjacent to Boondocks Restaurant).

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### ITEM BACKGROUND:

The subject parcel is approximately 50' X 386' (19,300 square feet) and is located approximately at Mile Marker 27.1, Bayside. The potential buyer (the current owners of Boondocks) would like to use the available FDOT right-of-way for a development project. Discussions with the planning staff indicate that this project would be a miniature golf course and additional parking.

Staff is recommending approval of the sale subject to the condition that a minimum of 25' from the edge of the existing road pavement be preserved for public uses (bicycle path, sidewalk, stormwater treatment, and/or possibly sewer lines).

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### PREVIOUSLY RELEVANT BOCC ACTION:

November 10, 1999- Resolution 565-1999 recommending that the Florida Department of Transportation deny requests to surplus properties adjacent to U.S. 1 until Board Action is taken on the Overseas Heritage Trail and the Stormwater Master Plans.

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### CONTRACT/AGREEMENT CHANGES:

N/A

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### STAFF RECOMMENDATION:

Approval.

TOTAL COST: 0

BUDGETED: Yes      No N/A

COST TO COUNTY: 0

SOURCE OF FUNDS:     

REVENUE PRODUCING: Yes X No     

AMOUNT PER MONTH      Year     

APPROVED BY: County Atty      OMB/Purchasing      Risk Management     

DIVISION DIRECTOR APPROVAL:     

  
Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow      Not Required     

DISPOSITION:     

AGENDA ITEM # K1

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
MONROE COUNTY, FLORIDA CONCURRING WITH THE  
SALE OF SURPLUS FLORIDA DEPARTMENT OF  
TRANSPORTATION RIGHT-OF-WAY ADJACENT TO U.S. 1  
AT MILE MARKER 27.1, BAYSIDE.

WHEREAS, the Monroe County Board of Commissioners has passed Resolution 565-1999 on November 10, 1999 establishing the policy of Monroe County to request that the Florida Department of Transportation (FDOT) deny any requests to surplus properties adjacent to U.S. 1 until the Board of Commissioners has taken action on the Overseas Heritage Trail and Stormwater Master Plan; and

WHEREAS, the Florida Department of Transportation has determined that the sale or lease of excess lands is prudent in order to reduce the liability and maintenance costs for FDOT; and

WHEREAS, Larry Gardner, the current owner of Boondocks has requested to purchase a 50' X 386' portion of the U.S. 1 Right-of-Way at approximately Mile Marker 27.1 Bayside, adjacent to Boondocks Restaurant; and

WHEREAS, the sale of 50' of right-of-way would leave 50' of right-of-way from the centerline of the road which is consistent with the right-of-way width west of Coral Avenue in Ramrod Key; and

WHEREAS, the Planning and Environmental Resources staff recommends that a minimum of 25' from the existing pavement (road shoulder) be preserved for future public uses such as, but not limited to: bicycle/pedestrian paths, stormwater treatment, and sewer lines;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the County concurs with the sale of available Florida Department of Transportation right-of-way adjacent to Mile Marker 27.1, Bayside, subject to FDOT maintaining a minimum of 25' from the existing pavement for future public uses.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 21<sup>st</sup> day of April, 2004.


Mayor Murray E. Nelson  
Mayor Pro Tem David P. Rice  
Commissioner Dixie Spehar  
Commissioner George Neugent  
Commissioner Charles "Sonny" McCoy

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(Seal)

Monroe County Board of Commissioners

Attest: \_\_\_\_\_  
Clerk of Court

By: \_\_\_\_\_  
MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
  
ROBERT N. WOLFE  
CHIEF ASSISTANT COUNTY ATTORNEY  
Date 4-2-04

# County of Monroe

## Growth Management Division

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Suite 400  
Marathon, Florida 33050  
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FAX: (305) 289-2536



## Board of County Commissioners

Mayor Murray Nelson, Dist. 5  
Mayor Pro Tem David P. Rice, Dist. 4  
Comm. Dixie Spehar, Dist. 1  
Comm. George Neugent, Dist. 2  
Comm. Charles "Sonny" McCoy, Dist. 3

**TO:** Board of County Commissioners

**FROM:** K. Marlene Conaway, Director, Planning and Environmental Resources Department *AMC*

**RE:** Surplus of Florida Department of Transportation (FDOT) Right-of-Way at Mile Marker 27.1, Bayside

**DATE:** April 2, 2004

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### **Issue:**

The owner of Boondocks Restaurant, Larry Gardner, has inquired with FDOT about purchasing a portion of the right-of-way adjacent to Boondocks Restaurant at approximately MM 27.1, Bayside. Previous action by the Board of County Commissioners (BOCC) requested FDOT to deny requests to surplus property along U.S. 1 until the BOCC has taken action on the Overseas Heritage Trail and the Stormwater Master Plans.

### **Background:**

The potential buyer of the FDOT right-of-way has been in discussions with planning staff about the possible development of a miniature golf course on the adjacent property west of Boondocks. The right-of-way is necessary to develop the miniature golf course and additional parking.

Although, the Overseas Heritage Trail is designated for the Oceanside through this section of Ramrod Key, the Monroe County Bicycle and Pedestrian Plan has designated that a bicycle path be built on the bayside also. Other potential future public projects along the right-of-way include stormwater management, and sewer lines. Therefore, staff finds it necessary to recommend that a portion of the right-of-way be reserved for public use.

The FDOT right-of-way through this section of U.S. 1 is 100 feet from the centerline of the road (200' total). The sale of approximately 50' of right-of-way would leave 50' of right-of-way from the centerline of the road. This 50' from the centerline of the road is consistent with the available right-of-way west of Coral Avenue.

### **Conclusion**

Staff recommends approval of the sale with the condition that a minimum of 25' of the right-of-way from the existing pavement (shoulders) be reserved for public uses.

